

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33388 of 2022**

Arising Out of PS. Case No.-39 Year-2021 Thana- SULTANGANJ District- Bhagalpur

BINAY YADAV S/o Late Ramswarup Yadav R/o village- Mirhatti, P.S.-
Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravina Kumari, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

According to prosecution case, in brief, is that on
19.02.2021 in the order of immersion of Idols, all 14 F.I.R.
named accused persons and 15-20 unknown persons got into
fight with stick and injured on both sides and one person died
who was husband of the informant.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of assault against the petitioner and there is general and omnibus allegation against the petitioner. He further submits that there is case and counter case between the parties and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Gautam Yadav @ Gautam Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 12.08.2021 passed in Cr. Misc. No. 30157 of 2021 and another co-accused persons namely, Dayanand Yadav, Rabindra Yadav, Ranjan Yadav Bipin Yadav, Bechan Yadav have already been granted bail by different co-ordinate Benches of this Hon'ble Court. The petitioner is in custody since 20.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sultanganj P.S. Case No. 39 of 2021, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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